

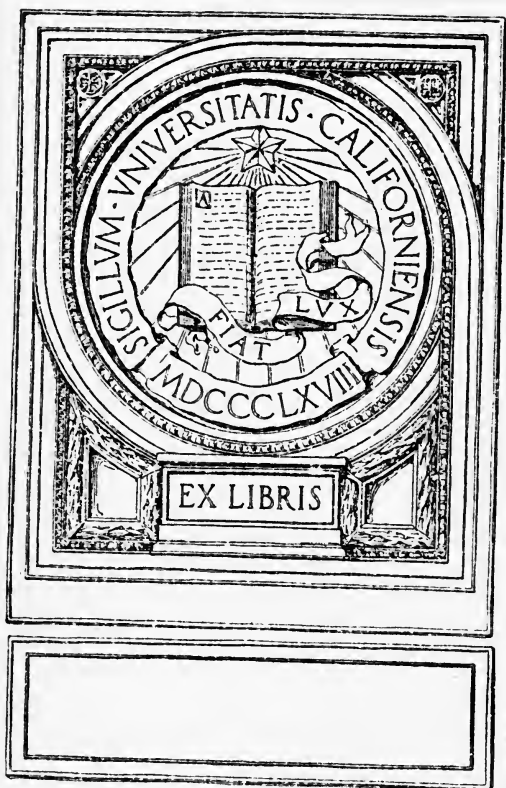
# DANIEL WEBSTER

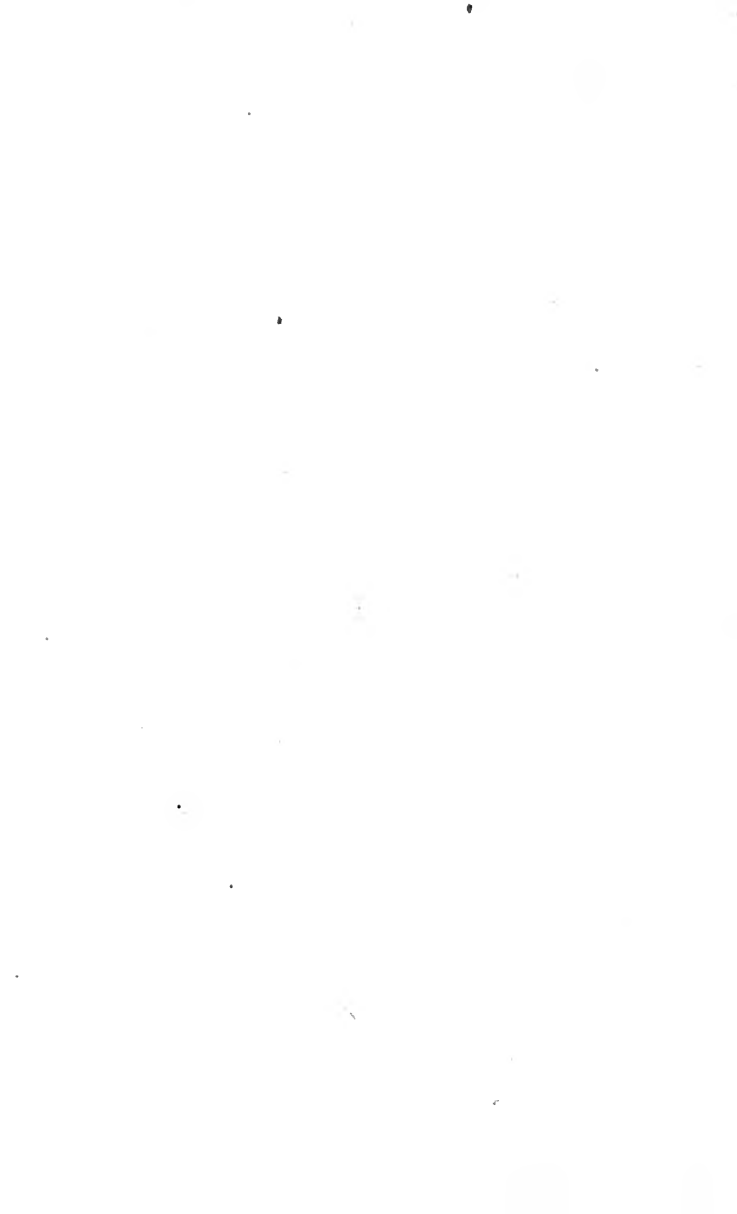
By SAMUEL W. McCALL

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TO THE  
MEMBERS OF THE  
LEGISLATIVE COUNCIL





# DANIEL WEBSTER

By SAMUEL W. McCALL

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TO ALL  
MEMBERS OF THE  
SOCIETY OF AMERICAN  
ARTISTS

## NOTE.

DANIEL WEBSTER graduated at Dartmouth College in the Class of 1801, and in September, 1901, the college celebrated in an elaborate manner at Hanover, N. H., the centennial of that event. In compliance with the invitation of a committee of the trustees of the college, Mr. McCall delivered an address, — or, as it is termed in the college official report, — the “Webster Centennial Oration.” With the exception of some revision and the addition of a few sentences, the address is published here as it was prepared for the occasion. It was somewhat abridged in delivery on account of its length.



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NEARLY half a century has elapsed since the College gave formal expression to its sorrow upon the death of Daniel Webster. The life of that great statesman had just ended. On this very spot Rufus Choate spoke his eulogy. Sympathy in a common political cause and the attachment of a life-long friendship stimulated an almost unrivaled gift of eloquence to the production of a masterpiece among orations of that nature, a speech of which Mr. Everett expressed the opinion that it was "as magnificent a eulogium as was ever pronounced." It was a time for the eulogy of friends, and for the expression of a sense of desolateness over the departure of so transcendent a figure, but it was no time for a just

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estimate of Webster either as a man or a statesman. His career had been too great to be comprehended by a near view. It demanded that perspective without which only a distorted outline of vast objects can be obtained. The passion of partisanship was hot and surging. Above the deep tones of praise arose the sharp clamor of detraction. Across the horizon which shut out the near future could be heard the beating of the drums which he had set throbbing for the Union. The chief work of his life was yet to be tried in the furnace of civil war. It required that most inexorable of all tests, — the test of time.

Transient movements and the mere noises of unsubstantial reputations have had time to pass into the silence of oblivion. A generation that knew him not has come upon the scene. We can

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now see something of the proper and ultimate relations of events. We are now able somewhat dispassionately to judge. The observance, amid general approval, of this unique occasion bears its own eloquent tribute. That so many who occupy positions of responsibility and distinction, and to whom Webster is merely a historical personage, should come here to-day, as to a shrine, from all parts of the country, fifty years after he has disappeared from the view of men, is of striking significance. The loadstone that draws you is his fame. Obviously the stupendous events of that half century have not dwarfed him. The distance at which most of us disappear hardly serves to bring out his heroic proportions, and we are here to-day to do homage to a statesman who easily takes rank as the foremost figure in our parliamentary history.

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The task of fully reviewing his career goes far beyond the limits of this occasion. I shall endeavor to set before you some estimate of him as a lawyer, an orator, and a statesman, and shall recall to your minds some of the great principles of government with which he was identified. I shall ask you also to look at him for a moment in the supreme relation in which he stood to his fellow-men; for back of the orator, or statesman, or lawyer there stands the essential thing that is manifested in them, there stands the man.

And I should fail to perform the most obvious duty if I did not refer to his relations to the College which helped to nurture his genius and towards which he bore a filial love. When he entered the College more than one hundred years ago it had at-



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tained a considerable degree of prosperity. For a quarter of a century after Wheelock planted it in the wilderness it remained the only college in northern New England, and the rapid settlement of the country about it gave it a constituency respectable in numbers and still more respectable in character. Webster came from one of the frontier families that crowded into this region. When the smoke first curled from the chimney of his father's log cabin in Salisbury, there was, as the son has said, "no similar evidence of a white man's habitation between it and the settlements on the rivers of Canada." Professor Wendell tells us in his scholarly book on American literature that Webster was the "son of a New Hampshire countryman," and again, that "he retained so many traces of his far from eminent New Hamp-

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shire origin" that he was less typical of the Boston orators than were some other men. It is true that the father was a "New Hampshire countryman," and he does not appear to have attained any remarkable eminence. But only the most cautious inference should be drawn from a surface or negative fact of that character, in a past necessarily covered for the most part with darkness. A great deal is to-day unknown about that sturdy race of men who swarmed over our frontiers more than a century ago, and especially a great deal that was worthy and noble in individuals. And it is hardly useful to turn to a doubtful past in order to learn of a known present, or to judge of a son whom we know well from a father of whom we know but little. It is often more safe to judge of the ancestor from the descendant than of the

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descendant from the ancestor. I supposed that Daniel Webster had forever settled the essential character of the stock from which he sprung, just as the pure gold of Lincoln's character unerringly points to a mine of unalloyed metal somewhere, if there is anything in the principles of heredity; and whether the mine is known or unknown, its gold will pass current even at the Boston mint. Perhaps neither of these men in himself or in his origin was wholly typical of any place, but it is enough that they were typical of America.

But what we know of Webster's father indicates the origin of some of the great qualities of the son. He was a man of much native strength of intellect and of resolute independence of character. He was an officer in the Revolutionary army, and, although

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never trained to the law, was thought fit to be appointed to a judicial office of considerable importance. He had those magnificent physical qualities which made the son a source of wonder to all who knew him. He had, too, a heart which, to use the words of the son, "he seemed to have borrowed from a lion." "Your face is not so black, Daniel," Stark once said, "as your father's was with gunpowder at the Bennington fight." And on the night after the discovery of Arnold's treason, at that dark moment when even the faithful might be thought faithless, and the safety of the new nation demanded a sure arm to lean upon, it was then, according to the tradition, that Webster was put in command of the guard before the headquarters of his great chief, and George Washington, another "countryman,"

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said, "Captain Webster, I believe I can trust *you*."

I have alluded to the prosperity which the College soon attained on account of the rapid settlement of this region. During the ten years immediately preceding the year of Webster's graduation it was second among the colleges of the country in the number of graduates to the degree of Bachelor of Arts. But whatever may have been its relative rank, the one thing most certainly known about it now is that it was a small college. The pathetic statement of Webster in the argument of its cause at the bar of the Supreme Court has settled that fact for all time. It is true that it was a day of small things, but the smallness of contemporary objects was not immortalized by the touch of genius, which has it in its power to endow with perpetual life any

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passing condition or mood in the life of a man or an institution. Fifty generations have grown old and died since the Greek artist carved his marble urn, but the maiden and her lover chiseled there are still young, and to the immortality conferred by art has been added the immortality of poetry in the noble verse of Keats : —

“Forever wilt thou love and she be fair.”

The College has grown wonderfully in the century since Webster left her. It is our hope that the prosperity of her past may be eclipsed by the prosperity of her future. But however great she may become hereafter, the genius of her son has made it impossible to be forgotten that she was once a small college.

The schooling of Webster before he entered college was of a very limited character. He appears to have been

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well drilled in Latin, but he possessed only the rudiments of English, and of Greek he knew very little. It must not be overlooked, however, that even at his youthful age he had acquired a fondness for the "Spectator" and for other good English books. While in college he broadened his reading of English and history until he was said to be at the head of his class in those branches. Perhaps his most positive acquirement was in the Latin language, in which he became a good scholar and which he continued to study in after life. A profound knowledge of a foreign tongue can hardly be conclusively inferred from frequent quotations from it. In the oratory of the first half of the last century the Latin quotation was an established institution, and for much of it little more than the manual custody of the Latin author was appar-

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ently necessary. But the drafts upon that language which were made in Webster's speeches were apt, and usually betrayed an insight into the meaning of the author, deep enough often to get a second or poetical meaning. He continued to neglect Greek, probably because he had been so miserably prepared in it, and long afterwards he lamented that he had not studied it until he could read and understand Demosthenes in his own tongue.

The course of study which he followed was the rigid and unyielding course of that day, where every branch was impartially prescribed for everybody. Mr. Ticknor is authority for the statement that the instruction in the College was meagre. This appears to have been a fault of the times rather than a particular fault of the College; for a dozen years after Webster's



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graduation, and in Boston, Mr. Ticknor himself succeeded in getting the necessary books to study German only with the greatest difficulty. He discovered a text-book in the Boston Athenæum which appears to have been so much of a curiosity that it was deposited there by John Quincy Adams on going abroad ; and then he was forced to send to New Hampshire for a dictionary. But however narrow the course of study compared with that of the modern college, it contained the means of much excellent discipline, and the years spent in its pursuit laid the foundation of a broad culture and prepared the way for the development of thinkers and scholars.

The debating society was an institution to which Webster was devoted and from which he derived great benefit. It enabled him to overcome his timidity, which had been so great at

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Exeter that it was impossible for him to recite his declamations before the school, and he became in college a ready and self-possessed debater. I do not find it easy, however, to detect under the flowers of his early rhetoric the promise of that weighty and concentrated style which afterwards distinguished him. But his college efforts were a necessary part of his intellectual development. It was better that the inborn desire to utter fine words without meaning should be satisfied in youth, when it could be satisfied with comparative safety, than that it should be restrained at the risk of gratification when he came to perform the sober duties of life. Although not the first in scholarship, he undoubtedly acquired a leadership among his college mates. His popularity was the natural result of the display of his ability and manly

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qualities in that most just and perfect democracy in the world — a democracy of schoolboys. It lingered in the College after he left it; and when he returned after his graduation with the “shekels,” as he expressed it, which he had earned for his brother Ezekiel, he was received as quite a hero.

It is difficult to believe, in view of the majestic proportions of his later years, that he was ever slender and delicate; but he is spoken of as being in his college days “long, slender, pale, and all eyes.” But his slight form supported an enormous mass of head, with its noble brow crowned by hair as black as the wing of a raven. Undoubtedly his wonderful black eyes were his most striking feature, those eyes which near the end of his life Carlyle spoke of as “dull anthracite furnaces, needing only to be blown,”

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but which were then lighted up with the fire and brilliancy of youth. His nature unfolded itself slowly. Far from being forward, it required a strong effort for him to overcome his bashfulness. He displayed while in college the qualities of a large, undeveloped nature, and led a careless, happy, and somewhat indolent existence.

There was that in his appearance at that early day which arrested attention and dispensed with the necessity of the ordinary introduction. Soon after leaving college he entered the law office of the accomplished Christopher Gore of Boston, presented by one as unknown as himself, who could not or did not speak his name,—under circumstances surely that would not ordinarily secure a hearing, much less employment of a confidential character; but the attention of the busy lawyer

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and man of the world was at once secured, and Webster was told to go to work. His connection with Gore proved of great value, not so much because it gave him an opportunity to study his profession under as favorable conditions probably as then existed, but because Gore's advice deterred him from taking a step which might have kept him from his great career. Webster was offered the clerkship of a New Hampshire court, with a salary which, in his circumstances, was a tempting one, and he had no other thought than to accept it. Gore clearly saw that he was capable of performing a far higher part in the world, and he doubtless saw, too, the danger that the competency which the place offered might tempt him from making the hard struggle necessary to establish himself at the bar. He strongly urged

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Webster to decline the position, and thus rendered him a great service in keeping him upon the arduous road.

It was a fortunate circumstance, too, in his early career that it fell to his lot to meet often in the courts so great a lawyer as Jeremiah Mason. When Webster came to the Portsmouth bar, he found Mason its unquestioned leader. Mason was a giant mentally and physically, thoroughly trained in his profession, with an absolute contempt for rhetorical ornament, and a way of talking directly at juries in a terse and informal style which they could comprehend, standing, as Webster expressed it, so that he might put his finger on the foreman's nose. Long afterwards, when Webster's fame as a lawyer and statesman extended over the whole country, he wrote it as his deliberate

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opinion of Mason that if there was a stronger intellect in the country he did not know it. From this estimate he would not even except John Marshall. Webster quickly outstripped his other rivals, and for nine years he maintained the struggle against this formidable antagonist for supremacy at the Portsmouth bar. He was compelled to overcome his natural tendency to indolence and to make the most careful preparation of his cases. The rivalry called into play the most strenuous exercise of all his faculties. The intellectual vigilance and readiness which became his marked characteristics in debate were especially cultivated. He soon saw the futility of florid declamation against the simple style of Mason, and his own eloquence rapidly passed out of the efflorescent stage and became direct and full of the Saxon quality,

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although he never affected little words, and would use a strong word of Latin origin when it would better answer his purpose. When his practice at the Portsmouth bar came to an end, he had proved his ability to contend on even terms, at least, with Mason, and he had developed those great qualities which enabled him to take his place as the leader of the Boston bar, almost without a struggle, and to step at an early age into the front rank of the lawyers who contended in the Supreme Court at Washington.

This occasion demands more than a passing reference to the cause in which Webster gained a recognized place among the leaders of the bar of the national Supreme Court, for it possesses a double importance to us to-day. It marked an epoch in his professional career and it vitally concerned the exist-



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ence of this College. The Dartmouth College causes grew out of enactments of the New Hampshire legislature, making amendments in the charter which differed little from repeal. These acts did not spring primarily from a desire to improve the charter, but were the outgrowth of a division in the board of trustees, one of the parties endeavoring to secure by legislation the control which it had lost in the board itself. In substance the legislative acts created a new corporation and transferred to it all the property of the College. There would have been little security in the charters of colleges or of similar establishments in this country if state legislatures generally had possessed the power to pass acts of that sweeping character.

The trustees made a struggle for self-preservation against great odds.

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The dominant political forces in the state were hostile ; the legislature was against them ; and, as it turned out, the Supreme Court of the state was against them also. The contest was first made in the state court, and it is rare that there has ever been brought together in a trial in any court such an array of lawyers as appeared in the little courtroom at Exeter. Webster appeared for the College. He had with him Jeremiah Mason and Jeremiah Smith. Webster and Mason formed a combination which could not be surpassed in strength by that of any other two lawyers at the American bar, while Smith, the former chief justice of the state, was probably its most learned lawyer. It is no disparagement of the counsel against the College to say that they were overmatched. They were, however, great lawyers, — Sullivan the at-

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torney-general, and Ichabod Bartlett, a hard fighter and an ingenious and eloquent advocate. Both sides were fully prepared in the state court, and it may well be doubted whether New Hampshire has ever witnessed such another intellectual contest as took place at Exeter over the College charter. Webster's speech does not appear in the printed report of the proceedings in the state court. He was the only one of the counsel on either side in the New Hampshire court who took part at Washington, and he apparently did not wish to be reported twice in the same cause. But at Exeter he closed for his side in a speech of great brilliancy; and his "Cæsar in the Senate House" peroration, which is said to have brought tears to the eyes of John Marshall at Washington, was spoken in substance and with thrilling effect. The decision

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of the New Hampshire court was against the College and disposed of the point which appeared to be the strongest in its case, that the legislature was inherently incapable of passing the acts in question, because vested rights could not be taken away without a judgment which could be rendered only by the judiciary. It also settled the claim that the statutes in question were in contravention of the constitution of New Hampshire. The simple ground of appeal to the federal Supreme Court lay in the contention that the College charter was a contract and was under the protection of that clause of the federal constitution which prohibited states from passing laws impairing the obligation of contracts. Webster did indeed state the whole argument before the court at Washington, but only for the purpose of illustration,

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and very likely also for collateral effect upon the court.

The point upon which the court had jurisdiction was regarded by the College counsel as a forlorn hope and to be more daring and novel than sound. It apparently originated with Mason. It was, however, the only ground open on the appeal, and this was a fortunate circumstance for the fame of the cause. If the whole cause had been subject to review, it might well have been decided upon one of the other grounds, and thus it would not have become one of the great landmarks of constitutional law. Wirt, who was then the attorney-general of the United States, and Holmes appeared at Washington against the College, and Hopkinson with Webster in its favor. It must be admitted that Webster possessed an advantage over the other counsel. He

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had fought over the ground, when it was most stubbornly contested, and knew every inch of it. His whole soul was in his case. He had the briefs of Mason and Smith as well as his own, and had absorbed every point in all the great arguments on his side at Exeter. He generously gave all the credit to Smith and Mason. He was interested in preventing the printing of the Exeter speeches because, he said, it would show where he got his plumes. This was undoubtedly too generous, but his debt was a heavy one, and no lawyer was ever better prepared than Webster was when he rose to speak in the College cause. He possessed, too, as thorough a mastery of his opponents' arguments as of his own. With his extraordinary power of eloquence thus armed, it is not strange that the court was to witness a revelation, and that he was destined to

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a great personal triumph. He took the part of junior counsel and opened the argument, but when he took his seat after five hours of high reason and clear statement, kindled with tremendous passion and delivered with all the force of his wonderful personality, the case had been both opened and closed, and nothing remained to be said. The spectators were astonished and overawed. It is not to be wondered at that Marshall sat enchained and that Story forgot to take notes. The counsel against the College were far from being so well prepared. Webster afterwards wrote a letter to Wirt, complimenting him upon his argument, and Wirt apparently satisfied himself ; but the tremendous performance by Webster took his antagonists by surprise. The personal triumph of the latter was complete, and it was followed by the triumph of his

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cause. The argument won over Story, who had been counted on by the opponents of the College, as the reading of it afterwards won over Chancellor Kent, who had at first approved the decision of the New Hampshire court. A majority of the court was carried, and carried probably by the eloquence of the advocate; the College was saved, and at the same time there was witnessed the birth of a great principle of constitutional law and of a great national fame.

There have been arguments before the same high tribunal more discursively eloquent, more witty, and delivered with a greater parade of learning; but in the boldness, novelty, and far-reaching character of the propositions advanced, in the strength with which they were maintained, in the judgment with which the points of argument were



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selected, and the skill with which they were pressed upon the court, in the natural oratorical passion, so consuming that for five hours the spectators were held spellbound by a discussion of questions of law, no greater speech was ever made before the Supreme Court. No other advocate in that tribunal ever equaled what he himself never surpassed. The published report of this speech is apparently much condensed and contains only the outlines of what was said. There is no hint of the beautiful peroration. Mr. Ticknor says of the printed version, that those who heard him when the speech was delivered "still wonder how such dry bones could ever have lived with the power they there witnessed and felt." But even the printed version is a classic in its severe simplicity and beauty. Although this was not the first cause argued by Web-

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ster before the national high court, it especially marked the beginning of a career which continued for more than a third of a century, and stamps him on the whole as the most important figure who ever appeared at that august bar.

And here at this first high point in his professional career it may be appropriate to take a view of him as an advocate and a lawyer. His greater fame doubtless was won as a statesman and political orator because it was won in a broader forum, but to him belongs the rare distinction of preëminence both in Congress and in the courts. It is sometimes said that there is an incompatibility in the qualities that make a great advocate and a great parliamentary orator. Certainly there are instances of men who were highly successful in one capacity and who failed in the other. But such instances will usually be found

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where eminence was gained in one career, and mental habits adjusted to its demands before the other began. Webster entered upon his double career early in life, and his development in each branch of it contributed to his development in the other. He had scarcely become established at the bar before he engaged in the public service, and he pursued both careers concurrently during the remainder of his life. His efforts at the bar made him more definite and accurate in the Senate, and his experience as a statesman broadened him as a lawyer. His qualities became equally commanding in both fields.

He was doubtless excelled in some departments of his profession by other lawyers: Curtis was more deeply versed in the law; Choate surpassed him, as, indeed, he surpassed all others, in the constant brilliancy of his advocacy be-

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fore juries, although Webster made one speech to a jury which Choate never equaled. But I think it can be said without exaggeration that, more nearly than any other, Webster filled the large circle of requirements for that high place, and that he stands at the head of the whole American bar.

He has often been contrasted with William Pinckney; I suppose because the latter during the first thirty years of the court's history was the most conspicuous figure at its bar. They were never fairly measured directly against each other. Webster came prominently into view just as Pinckney's sun was setting. When he argued the Dartmouth College Case he was only thirty-six years old and had had barely a dozen years of practice, most of it in a small New Hampshire town where the causes were neither numerous nor

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important. Although he would not suffer by the comparison, it would be obviously unfair to take him at this comparatively immature period and place him by the side of a seasoned veteran like Pinckney, who was seventeen years his senior, and who possessed the great prestige and development which came from having worthily filled the most important offices of the government, and from his great practice before the Supreme Court, at the bar of which he was the acknowledged leader. A fairer comparison would be between Pinckney at the summit of his fame when he attempted to press for a re-argument of the College cause and John Marshall turned his "blind eye" towards him, and Webster at the same age and period of his career, after he had argued that long line of important constitutional causes, had delivered the

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Bunker Hill oration and the Reply to Hayne, had become known abroad and his own country rung with his fame, and when he stood the unchallenged leader of a far larger, if not a more brilliant, bar. Pinckney was a great and learned lawyer, a remarkably eloquent orator, and capable of close and abstract reasoning. But his style was often balanced and artificial, disfigured by affectation, and displayed much diffuse declamation. Its faults as well as its merits are strikingly shown in the famous argument in the Nereide case, of which John Marshall said in the opinion of the court, "With a pencil dipped in the most vivid colors and guided by the hand of a master a splendid portrait has been drawn." It will appear from the very full report of that argument which survives that the father of American jurisprudence was

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hardly so safe a judge of literary coloring as of law. As to Webster's art, if as an advocate he can be credited with art, it was so concealed that the chief justice was not called upon consciously to exercise his faculties as a judge of coloring. Take Pinckney's greatest efforts at the bar, in the Senate, or in diplomacy, and compare them with corresponding efforts of Webster, and I believe the superiority of the latter will be distinctly seen.

It is sometimes said of Webster that he was not learned in the law. But in the very best sense of the term he was a learned lawyer. If his mind was not an encyclopædia of cases, it was a store-house of legal principles. He was not the man to make a pedantic parade and to obscure the essential point under a great mass of quotations from cases. He did not have the habit of irrelevant

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citation, nor did he throw upon the court the burden of winnowing a little wheat from an enormous quantity of chaff. He had the art of condensation, and would select the genuine points of his case and put them with unsurpassed simplicity and weight. He possessed to a remarkable degree, too, the inborn legal sense, without which there can be no lawyer. From the day when, a mere stripling, he graduated from this College, the law was his chief study. The necessities of his great practice imposed it upon him. Usually acting as senior counsel in important cases, he had the advantage of the preparation of learned juniors. He was called upon in court to display a mastery of his own side and to hear and meet all that could be said by great lawyers against it. His memory was prodigious. The result



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of it all was that with his great natural powers thus disciplined by forty years of practice, one would have been willing to back him, not merely as a parliamentary Hercules, as Carlyle said, but as a legal Hercules, against the whole extant world.

A great part of a lawyer's work is ephemeral and perishes with the day that brought it forth. Some of the miracles which Rufus Choate wrought in the courts were a nine days' wonder, passed into splendid traditions, and were then forgotten. This is due to the fact that while there are many causes of vast consequence to individuals, there are comparatively few which are of importance to society generally or in the development of the law. But a great mass of Webster's legal work survives, and insures him a permanent fame as a lawyer. Take, for instance,

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the case of Gibbons and Ogden, where the State of New York had attempted to grant a monopoly of navigation on the waters under its jurisdiction. The doctrine which Webster contended for in that case was sustained by the court. In a time when so much is said of the evils of granting franchises in the public streets, we can appreciate the far-reaching importance of a decision which at one stroke forever rescued our great lakes and harbors and the Mississippi and the Ohio from the grasp of monopolies and left our inland waters open highways for all to navigate on equal terms. In the formative period of our institutions, when their limits were explored in the courts and established by judicial construction, there were great judges besides Marshall and great lawyers besides Webster. 'But Marshall stands in America

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unapproached as a jurist, just as Webster stands as an advocate without a rival. The former set our constitutional landmarks and the latter pointed out where they should be placed. And it is significant of Webster's primacy that in important debates to-day in Congress or elsewhere, upon great questions of a constitutional character or of a political legal character, relating to our systems of government and the nature and limitations of their powers, he is more widely quoted than any other lawyer, whether speaking only with his own voice or *ex cathedra* as a member of our highest court.

An important sphere of his professional activity would be neglected if I did not refer to his strength as an advocate before juries. The same simple style which enlightened the courts made him easily understood by the

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ordinary juryman. But his oratory was less fettered by technical rules and was more varied before juries than before the courts. Only two of his very many speeches to juries are preserved in his published works, and each of these amply demonstrates his enormous capacity in that field. I will refer to the speech delivered in the White murder case, because it has been pronounced by eminent lawyers, who are accustomed to measure their words, to be the greatest argument ever addressed to a jury. Certainly it is a masterpiece of eloquence. A rich old man had been found in his bed murdered. The murderer had been hired by two brothers to do the deed, in the hope that one of them might profit from the old man's estate. "It was," said Webster, "a cool, calculating, money-making murder," a murder "for

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hire and salary, not revenge. It was the weighing of money against life, the counting of so many pieces of silver against so many ounces of blood." This is the description of the deed : "The assassin enters through the window already prepared, into an unoccupied apartment. With noiseless foot he paces the lonely hall, half lighted by the moon ; he winds up the ascent of the stairs and reaches the door of the chamber. Of this he moves the lock, by soft and continuous pressure, till it turns on its hinges without noise ; and he enters, and beholds his victim before him. The room is uncommonly open to the admission of light. The face of the innocent sleeper is turned from the murderer, and the beams of the moon, resting on the gray locks of his aged temple, show him where to strike. The fatal blow is given ! and

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the victim passes, without a struggle or a motion, from the repose of sleep to the repose of death. . . . To finish the picture, he explores the wrist for the pulse. He feels for it and ascertains that it beats no longer. It is accomplished. The deed is done. He retreats, retraces his steps to the window, passes out through it as he came in, and escapes. He has done the murder. No eye has seen him, no ear has heard him. The secret is his own, and it is safe. Ah ! gentlemen, that was a dreadful mistake. Such a secret can be safe nowhere. The whole creation of God has neither nook nor corner where the guilty can bestow it and say it is safe." And then follows the wonderful passage on the power of conscience, which is almost as widely known as the peroration of the Reply to Hayne. It is a striking circumstance

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that the most powerful part of this speech was upon a point where the fact was against Webster's position, although he may not have been aware of it. The fact, however, was an unnatural one, as facts sometimes are. The prisoner's counsel had urged that the prisoner's motive, in going to a place near the scene of the murder at the time it was committed, might have been curiosity, and not that he might aid the murderer. "Curiosity," exclaimed Webster, "to witness the success of the execution of his own plan of murder! The very walls of a court-house ought not to stand, the ploughshare should run through the ground it stands on, where such an argument could find toleration." Rufus Choate, who appears to have heard this speech and who was also a fine Greek scholar, declared it to be in his opinion "a more

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difficult and higher effort of mind than the Oration on the Crown.”

But prominent as Webster was in the courts, his great fame rests upon his career as a political orator and a statesman. He was first elected to Congress in 1812, and from that time until his death, forty years afterwards, he was, with the exception of a few short intervals, constantly in the public service. He was for a brief period a member of the Massachusetts House of Representatives, for ten years a Representative in Congress, nineteen years a Senator, and five years Secretary of State. He possessed no meteoric qualities to startle and attract attention, but his commanding talents were certain of recognition the moment they were displayed upon a suitable field. Within one month from the time he first took his seat in the House he made a speech upon the



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Berlin and Milan decrees, which probed deeply into the causes of the war we were waging against Great Britain, and which the duplicity of Napoleon's government had a considerable share in bringing about. John Marshall, to whom Webster was then a stranger, was so deeply impressed with the speech that he predicted that Webster would become "one of the very first statesmen in America, if not the very first." During his first Congress he easily took a place among the very limited number of public men of the first rank at Washington, and he grew in strength and the public esteem until he had no peer among living American statesmen.

The chief source of his success as a statesman is found in his transcendent power of speech. When his public career began, a highly decorated fashion of oratory, which has been termed

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the Corinthian style, flourished in this country. Our orators were justly conscious of the fact that we had won our independence from the greatest power in the world and had become a nation. Every one was inspired to talk eloquently about Liberty, and as a consequence a vast number of literary crimes were committed in her name. It was an excessively oratorical era. Whether the thought was great or little, the grand manner was imperatively demanded. The contemporary accounts of the speeches of that time were as highly wrought as the speeches themselves, and one might infer that orators of the grade of Demosthenes existed in every considerable village; although it will be observed that they gradually diminished in number as the cold art of stenography became more commonly and successfully practised. The simple art of

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speaking with reference to the exact truth was held in contempt, and the art of extravagant expression was carefully cultivated. It is not difficult to detect in this extravagance the influence of Edmund Burke. He was chiefly responsible, however, only because he stood in a class by himself and could defy successful imitation. There is nothing more gorgeous in English literature than the best of his speeches or essays, for his speeches and essays were the same sort of composition. His knowledge was varied and prodigious, and even his conversation, well compared by Moore to a Roman triumph, was enriched with the spoils of all learning. In depth and intensity of feeling and a noble sympathy for the oppressed of every race he was surpassed by no orator, ancient or modern. He had the glowing and exuberant imagination that

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“Kicks at earth with a disdainful heel  
And beats at Heaven’s gates with her bright  
hoofs.”

Imitation of Burke, thus royally endowed and blazing with indignation at some great public wrong, would easily lend itself to extravagance and produce the empty form of colossal speech without its substance. I think Burke’s influence can be clearly seen in our orators from his own day to the end of Charles Sumner’s time. A few of Webster’s speeches show not merely the inspiration due to an appreciative understanding of Burke, which was legitimate, and might be wholesome, but a somewhat close and dispiriting imitation of Burke’s manner. This is true particularly of the much admired Plymouth oration, which substituted John Adams for the Lord Bathurst of Burke’s celebrated passage, and ex-

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torted from that venerable patriot, who had come under the spell of the Corinthian era, the declaration that Burke could no longer be called the most consummate orator of modern times. But it is Webster's glory that at his best he had a style that was all his own, simple, massive, and full of grandeur; and compared with some of his noble passages Burke's sublimity sometimes seems as unsubstantial as banks of cloud by the side of a granite mountain.

While Webster was slow in reaching his full mental stature, how rapidly his style developed and simplicity took the place of the flowery exaggeration that was then thought to be fine may be seen by contrasting passages from two of his speeches. In his Fourth of July address delivered at Hanover a year before his graduation occurs this passage: "Fair science, too, holds her

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gentle empire amongst us, and almost innumerable altars are raised to her divinity from Brunswick to Florida. Yale, Providence, and Harvard now grace our land, and Dartmouth, towering majestic above the groves which encircle her, now inscribes her glory on the registers of fame. Oxford and Cambridge, those Oriental stars of literature, shall now be lost, while the bright sun of American science displays his broad circumference in uneclipsed radiance.” The other is from a speech early in his Congressional career against the policy of forcing the growth of manufactures, or rearing them, as he expressed it, “in hotbeds.” “I am not anxious to accelerate the approach of the period when the great mass of American labor shall not find its employment in the field; when the young men of the country shall be obliged to

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shut their eyes upon external nature, upon the heavens and the earth, and immerse themselves in close and unwholesome workshops; when they shall be obliged to shut their ears to the bleatings of their own flocks upon their own hills, and to the voice of the lark that cheers them at the plough." The one passage is probably little above or below the style then prevailing among school-boys; the other possesses a simple and lyric beauty, and might have been written by a master of English prose in its golden age.

In his speech upon the Greek revolution, delivered while he was still a member of the House, his style may be said to have become fixed in its simplicity. Upon such a subject there was every temptation to indulge in passionate declamation about freedom and to make a tremendous display of

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classical learning, and such a treatment seemed to be demanded by the prevailing taste of the time ; but the generous sympathy he held out to the Greeks, he extended in a speech of severe and restrained beauty, and the greater part of his effort was devoted to a profound study of the principles of the Holy Alliance as a conspiracy against popular freedom. Jeremiah Mason pronounced this speech the best example of parliamentary eloquence and statesmanlike reasoning which our country had seen. The Plymouth speech greatly extended his reputation as an orator and was most impressive in its immediate effect. George Ticknor, who was disposed to be critical, and usually admired with difficulty, somewhat hysterically wrote in a letter on the day of its delivery: "I warn you beforehand that I have not the least



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confidence in my own opinion. His manner carried me away completely. . . . It seems to me incredible. . . . I was never so excited by public speaking before in my life. Three or four times I thought my temples would burst with the gush of blood." This speech was received everywhere with the most extravagant praise and may fairly be said to have established Webster's position as the first orator of the nation. While it contains noble passages, it sometimes expresses the platitude of the day in a style that suggests the grandiose, and it shows more strongly than any other of his important speeches the literary faults of the time. The first Bunker Hill speech and the eulogy on Adams and Jefferson are distinctly superior to it. That splendid piece of historical fiction, the speech which he puts in the mouth of

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Adams, is an excellent exhibition of his ability to reproduce the spirit of a great event and endow it with life. It was precisely such a speech as the most impassioned and strongest advocate of the Declaration of Independence might have made on the floor of the Continental Congress. If Webster's understanding had been less powerful, he would have been credited with a very great imagination. That faculty, however, was strictly subordinated to his reason, and instead of producing anything unusual and fantastic, the creature of a disordered rather than a creative imagination, he summoned the event out of the past, and so invested it with its appropriate coloring and rational and proper setting, that it seemed to be a fact rather than a fancy.

We shall fall far short of doing jus-

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tice to his power as an orator if we fail to take into account his physical endowments for speaking. There can be no doubt about the majesty of his personal presence. Business would be temporarily suspended when he walked down State Street, while people rushed to the doors and windows to see him pass. To the popular imagination he seemed to take up half the street. He stood nearly six feet, and seemed taller, and he had an enormous measurement around the chest. His head was one of the largest and noblest ever borne upon human shoulders. He had a dark complexion, a gunpowder complexion it was called, a broad and lofty brow, and large black eyes, usually full of repose, but in moments of excitement, blazing with terrible intensity. One of his severest critics, Theodore Parker, declared his belief that since Charle-

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magne there had not been such a grand figure in all Christendom.

It might be suspected that the reports were somewhat colored by pride in such an American product; but he went abroad, and his personality produced as deep an impression there as at home. Sydney Smith called him "a steam engine in trousers" and "a small cathedral all by himself." To Carlyle he seemed a "magnificent specimen." The historian Hallam wrote of him that he approached as nearly the ideal of a Republican Senator as any man he had ever seen, one worthy of Rome. This enormous personality was not sluggish, but in time of excitement it was full of animation and dramatic fire. Jeremiah Mason said that in him a great actor was lost to the stage. He would rise easily to the tragic force required in a murder trial and overwhelm the listener

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by his dramatic description of the deed, or he would entertain his college friends with a perfect imitation of the mannerisms and falsetto tones of President Wheelock. He possessed as noble a voice as ever broke upon the human ear — a voice of great compass, usually high and clear, but capable of sinking into deep tones that thrilled the listener. He made himself heard by nearly fifty thousand people at Bunker Hill. What Mr. Lodge says may easily be believed, that no one ever came into the world so physically equipped for speech.

Undoubtedly his oratorical masterpiece is the Reply to Hayne. When he delivered it he was in his physical and intellectual prime. The occasion was the most important in our congressional history. The time had come when, if ever, the doctrine of the supremacy of the federal Constitution should be pro-

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claimed, and the truth impressed upon the minds and hearts of the people that the United States was not a confederacy, loosely knit together and continuing its existence only at the pleasure of each one of the sovereign states which composed it, but that it was a nation, and that its laws, enacted in conformity with the Constitution, as declared by the Supreme Court, were the supreme law of the land. This great argument over the meaning of the Constitution had begun almost on the day when it was put in operation. The states-rights school of interpretation found much to support it in the construction put upon the Constitution by those who had borne an important part in framing it. It had been steadily growing, and its doctrines had reached their full development. The term "sovereign state" was a very attractive one to the popu-

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lar mind and demanded a proper limitation upon its meaning. Hayne, too, spoke for a state which was about to attempt to put his theory into practical force. That theory had never received so captivating a presentation as he gave it. The work of formulating the creed of union so that it might become a popular force and not merely check the further advance of the doctrines of nullification, but put them on the defensive and turn them upon a retreat, naturally fell to Webster. Calhoun, with his great industry, his high personal character, and his enormous power of logic, was the leading advocate of states-rights. Clay did not at that time happen to be a member of the Senate. But Clay, who was a successful party leader, a masterful debater, and an impassioned orator, did not possess the legal training and the grasp upon principles which the

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occasion demanded, and orator as he was, he did not possess the choice gift of uttering the literature of genuine eloquence, of speaking the words that should wing their flight to the fireside of the farmer and artisan and to the study of the scholar, and set their hearts on fire for the Union. The occasion called for a rare combination of qualities, for one who was at the same time a great lawyer, a great orator, and a great statesman. The one man for the work was the man to whom it fell.

With much that was strong and brilliant in Hayne's speech, there was a great deal that was paltry and personal and had no place in a great constitutional argument. There was an ingenious attempt to set one section of the Union against the other. New England was held up to ridicule. Hayne imitated Homer's heroes, who began



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their fights with taunts and boasts. A personal attack was made upon Webster, and he was taunted with fearing that Benton might be an overmatch for him in debate. I am not sure that this did not greatly add to the interest of the reply. It introduced the personal, human element, and served to call Webster's enormous combative powers fully into play. One can imagine this Titan with his whole nature aroused, thoroughly informed upon his great subject, profoundly impressed with the justice of his cause, but unhampered by any written speech, rising in the Senate, and for nearly seven hours pouring forth that mighty torrent of argument, fact, irony, and eloquence found in the reply. To say that the speech fully met the occasion is to give it the highest possible praise. The advantage was with Webster upon

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every point. When he took his seat, he had triumphantly vindicated New England, he had crushed his antagonist in the personal controversy, although with a majestic scorn he had barely stooped to engage in it; and, far more important than anything else, he had reduced the doctrine of nullification to an absurdity, by demonstrating that its application would mean the disruption of the central government, would make the Union a mere "rope of sand," and organize governmental chaos into a system. In that portion of his speech he did as much to create as to expound the Constitution, and he held up to the country the image of a government limited, indeed, in its powers, but in its sphere perfect, and beyond the control of the state government. Among the many ties that bind men together, there is no stronger tie than the spirit of

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nationality. It was to that spirit that he so fervently appealed in that splendid piece of rhetoric in the printed peroration of the speech, a peroration not indeed spoken in all its important parts to the few scores of people in the Senate chamber, but spoken to the millions of his countrymen outside of it.

It was this speech more than any other single event, from the adoption of the Constitution to the Civil War, which compacted the states into a nation. There were comparatively few people in the country able to read and to follow public affairs who did not read the more important portions of it. The leading newspapers published it in full. Vast numbers of copies were sent out in the form of pamphlets. It was declaimed by schoolboys in every schoolhouse. It gave the nation a definite impulse towards nationality, and

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it laid down the battle line for those splendid armies which fought and triumphed in the cause of the Union.

The speech in itself is worthy of the tremendous part it has played in history. It was unstudied and spontaneous, and it displayed in a sublime degree that fusion of reason and passion which Macaulay pronounces necessary to true eloquence. It is energetic, direct, simple, weighty in its magnificent irony, and it has that rapidity of movement which is the first test of intellectual vigor. It probably received less revision than speeches at that time usually received, and I believe that no great speech of similar length which occupies a place near it in literature was ever the object of less verbal polishing before and after delivery. It was extemporaneous; and if we bear in mind that the art of short-

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hand writing was at that time by no means perfectly developed, a comparison of the stenographer's report with the accepted version shows that the form was not greatly changed except in a few passages. The printed peroration has been pronounced by good judges, and I think rightly, artificial. It is hardly conceivable that after speaking more than six hours his extemporaneous speech should have taken that finished and balanced form. That there was little of the artificial in the spoken peroration is made evident from the shorthand report: —

“ While the nation lasts, we have a great prospect of prosperity; and, when this Union breaks up, there is nothing in prospect for us to look at, but what I regard with horror and despair. God forbid; yes, sir, God forbid, that I should live to see this cord broken; to

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behold the state of things which carries us back to disunion, calamity, and civil war ! When my eyes shall be turned for the last time on the meridian sun, I hope I may see him shining bright, upon my united, free, and happy country. I hope I shall not live to see his beams falling upon the dispersed fragments of the structure of this once glorious Union. I hope I may not see the flag of my country, with its stars separated or obliterated, torn by commotion, smoking with the blood of civil war. I hope I may not see the standard raised of separate state rights, star against star and stripe against stripe ; but that the flag of the Union may keep its stars and its stripes corded and bound together in indissoluble ties. I hope I shall not see written, as its motto, *first* Liberty, and *then* Union. I hope I shall see no such delusive and

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deluded motto on the flag of that country. I hope to see spread all over it, blazoned in letters of light, and proudly floating over land and sea, that other sentiment, dear to my heart, ‘Union *and* Liberty, now and forever, one and inseparable.’ ”

As a piece of composition the printed report is doubtless the better one, but as the conclusion of a great speech, in which a powerful mind under great excitement sought at the moment its appropriate form of expression, it seems to me the spoken peroration is to be preferred. Instead of moving along upon symmetrical lines, beautiful and majestic, throwing the spray evenly upon either side, like a painted ship upon a painted ocean, we see him rather like a mighty battleship plunging madly through the waves, dashing the spray above its turrets, with en-

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gines throbbing irregularly and hard, the incarnation of terrible power mastering the power of the sea.

While the Reply to Hayne shows Webster on the whole at his best, some of his highest qualities were more conspicuously displayed in other speeches. In the debate with Calhoun three years afterwards, he made an argument against nullification which was more complete and elaborately wrought out, and which dealt that doctrine a finishing blow so far as any constitutional basis was concerned. But it was severely argumentative and did not have the popular qualities of his first great Union speech. His seventh of March speech, famous for other reasons than its rhetoric, is conversational in tone, rising naturally to the heights of eloquence, and in its speaking style it appears to me to be the equal of the best



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of his speeches. It lacked any degree of the hard rhetorical form at that time deemed necessary to good oratory, and which imparted to much of it, compared with the more direct modern method, the appearance of an unknown tongue. The speech on the presidential protest is more studied than the Reply to Hayne, and in it his imagination mounts on an easy wing in the celebrated passage on the military greatness of England. If any of the orators of that nation has ever given a nobler picture of her power, I do not know where it can be found : “On this question of principle, while actual suffering was yet afar off, they raised their flag against a power, to which, for purposes of foreign conquest and subjugation, Rome, in the height of her glory, is not to be compared ; a power which has dotted over the surface of the whole globe with her posses-

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sions and military posts, whose morning drum-beat, following the sun and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England."

What is the relative position of Webster among the great orators of the world? All would not agree upon his exact place, although all would doubtless place him very high among them. The two preëminent orators of ancient times must, I think, be left out of the account. There is little more common ground for a comparison between Webster and Demosthenes than there would be for a comparison between a speech of Webster and a book of Homer. What common standard can be set up between the Greek who spoke to a fickle and marvelously ingenious people, whose verdict when he obtained it would

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often only be written on water, and Webster, speaking in a different tongue, to an altogether different people, and shaping in their minds the principles of practical government to endure for generations? How many English-speaking people know enough Greek to understand a speech of Demosthenes as they would one spoken in their own language? Those who do not cannot form an exact judgment, and the few, if any, who do, are prone to find virtues in particles and, like Shakespeare's critics, to bring to view in the text things of which the orator was abjectly ignorant. A great deal has been swept away in the twenty centuries since Cicero and Demosthenes spoke, and it is easy to praise those orators too little or too much. Separated from us by the barriers of distance, of language, and of race, the most that can safely be ven-

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tured is that in literary form they probably surpassed any of the moderns.

The orators with whom Webster can most profitably be compared are those who employed the same language and spoke to the same race. Surely it is not a narrow field. It is a race that has practiced the art of government by speaking for centuries, and has far outstripped any other people of ancient or modern times in the development of the parliamentary system. The result of that system has been to produce oratory which is not simply literature nor merely spectacular, but which at its best is especially adapted to the practical purpose of influencing the judgment of those who listen upon some momentous public question. Where, as is the case among the English-speaking peoples, the fate of a government or an administration often turns upon the result

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of a single debate, where again the verdict of the parliamentary body is liable to be set aside by the people who are the sources of political power and before whom the discussion must be ultimately carried, there is a field for the development of oratory such as has never existed in any other race. Among the orators of his own country there may be individuals who in some particulars surpass him, although no one of them in the sum of all the attributes of the orator can fairly be placed by his side. Everett carried the elaborate oratory at that time in vogue to a greater perfection of finish and form. Webster does not show the surprises and felicities to be found in the style of Choate, who is as rapid, pure, and winding as a mountain stream, and who in brilliancy of imagination easily outranks all other American orators. The

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only Englishmen who stand in a class with Webster are Burke, the most philosophic of orators and statesmen, and Fox, who of all the characters of history is one of the most easily loved. In comparing Webster with them, it must be borne in mind that his most important speeches were made in construing the terms of a written constitution which, however beneficial it may be to individual liberty, is not a nurse of political eloquence. It imposes rigid artificial limits, and, to the extent that it requires statesmen to be the expounders of written political scriptures rather than of broad natural principles, it hampers the freedom of the mind.

Rogers said that he never heard anything equal to Fox's speeches in reply, and Burke with generous enthusiasm called him the most brilliant debater the world ever saw. That was Webster's

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characteristic quality. He was pre-eminently a debater. He did not have Fox's celerity, but he possessed far greater weight. Fox would lay down a proposition and repeat it again and again. He was often stormy in manner and would sometimes magnify trifles. His vehemence was so great that one occasionally suspects him of diverting attention from the weakness of an argument. But he had no affectations. He was animated by noble ideas of political freedom, which comprehended not merely his own race or neighborhood, but embraced the peoples of distant lands; and, regardless of literary form, he would press those ideas home and strike by the most direct lines at the judgment of the listener. There was little quickness or mere dexterity about Webster, but it seemed impossible to impose upon his understanding, and his

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great guns would open upon the weak points of his adversary, however artfully covered up. No man could excel him in the power to destroy utterly the sham structures of sophistry. He would never set up a man of straw, but would resolutely grapple with his opponent's argument in its full force. His vigilance was extraordinary, and when surprised, as he sometimes was in running debate, it is not difficult to detect in his tone the martial note, as he rushes upon and captures the threatening position by a display of force simply portentous. It is not easy to compare Webster and Fox in the immediate effect produced by their speeches, but there can be no doubt that the personality of the former was more impressive; and if we are to trust at all to the contemporary accounts, it is entirely safe to say that Fox never surpassed, if



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indeed he ever equaled, the tremendous effect produced by Webster in his greatest efforts. Between the speeches of the two men there can be no comparison in point of substance and literary form. Fox's speeches certainly contain one characteristic that he claimed was essential to good speeches, they do not read well. It is not difficult to see in the best of them the evidence of his brilliant talents, but they do not strongly impress one with weight of matter or with the literary quality. In the half dozen large volumes of Webster's speeches which have been collected together, there is doubtless a great deal that is prosy. An orator who speaks often, and always makes an eloquent speech, is usually one who will never make a great one. Only on exceptional occasions was Webster thoroughly aroused. But those volumes

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contain a mine of information and of reason for political students ; they contain much literature of the first rank, and I doubt that in all of them a sentence can be found that is flippant, or petty, or mean.

I have already spoken of Burke. He is, I think, superior to Webster as a political philosopher, and also in breadth of information and imaginative power, but in the excellence of the great mass of oratorical work which he left behind him he does not much surpass Webster, if at all. He presents more gorgeous passages, but even his most glittering fabrics do not imply the intellectual strength shown in the simple solidity of Webster. But if it be admitted that he precedes Webster in the permanent value of his speeches, in their temporary effect I do not think he can be classed with him. He often shot over

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the heads of his audience, and some of his most famous speeches emptied the House of Commons. It was said of him that he always seemed to be in a passion. Webster never permitted himself to be in a frenzy, fine or otherwise. On the whole, I think it safe to say that Webster is not surpassed by Burke, and if he is equaled by any other English-speaking orator he is equaled by Burke alone.

But whether or not Webster was the foremost of all men in power of speech, he deserves a place among the half dozen greatest orators of the world. To take rank in that chosen circle is indeed glory. For the transcendently great orator, who has kindled his own time and nation to action, and who also speaks to foreign nations and distant ages, must divide with great poets the affectionate homage of mankind. While the stirring history of the Greek people

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and its noble literature shall continue to have charm and interest for men, the wonderfully chiseled periods of Demosthenes and the simple yet lofty speech of Pericles will be no less immortal than the odes of Pindar or the tragedies of Sophocles or Æschylus. The light that glows upon the pages of Virgil shines with no brighter radiance than that seen in those glorious speeches with which Cicero moved that imperial race that dominated the world. The glowing oratory of Edmund Burke will live until sensibility to beauty and the generous love of liberty shall die. And I believe the words of Webster, nobly voicing the possibilities of a mighty nation as yet only dimly conscious of its destiny, will continue to roll upon the ears of men while the nation he helped to fashion shall endure, or indeed while government founded upon popular free-

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dom shall remain an instrument of civilization.

It is sometimes said of Webster that as a statesman he was not creative and that no conspicuous legislative acts are identified with his name ; that he was the unrivaled advocate of policies, but not their originator. It must be remembered that during most of his congressional career his party was in a minority and he had only a limited opportunity to fashion political legislation. He did not, it is true, pass any considerable portion of his time in drawing bills, embodying more or less fanciful theories of government. But he displayed in a prominent degree the qualities of statesmanship most loudly called for by his time. He was highly successful in adapting to the needs of a nation the provisions of a written constitution, by applying to its construction

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the soundest principles of government. It was beyond human foresight for the framers of the Constitution to comprehend the unknown demands of the future. The application of that frame of government to new needs and conditions demanded as high and as original an order of statesmanship as was required in the first instance to write it. It might easily have supported a greatly different structure of government if it had been less wisely expounded. If our highest court has been able to recognize supposed national exigencies and apply contradictory judicial constructions to the same clause of the Constitution, we can easily see that it might indeed be a flexible instrument in the hands of statesmen whose prime function is political and not judicial. But there was no paltry expediency in Webster's expounding. His recogni-

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tion of sound principles, his profound sympathy with the genius of our system, and his true political sense enabled him to display the most difficult art of statesmanship, the practical application of theory to the government of a nation. The principles of government are derived from a long series of experiments, and the statesman who produces something novel produces something which experience will usually show it is well to avoid. Originality of statesmanship does not alone consist in bringing forth something unheard of in government, or in keeping on hand, as Sieyès was said to have done, a large assortment of constitutions ready made. Neither can I see originality or even a high order of statesmanship in patching up a truce by some temporary device, which, after it shall have lost its effect, will leave the body politic in a worse condi-

tion than when it found it. Webster aided in making the Constitution work among conditions that its founders did not foresee. He contributed to protect it from danger, against which they made no provision, and to endow it with perpetuity. His adherence to sound principles was as resolute as his recognition of them was instinctive. He would not be swerved from them by considerations of temporary expediency. This unbending quality and an indisposition to appeal to a pseudo-patriotism prevented him in the conditions then existing from becoming a great party leader, and in that respect he strikingly resembled Fox. After a career unexampled among statesmen, in its constant treatment of liberty as a birthright of all men, and not as a peculiar prerogative of Englishmen, it was said of Fox's following in Parliament



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that they could all be put in a hackney coach. The reason is obvious. The British Parliament has usually been jealous for British freedom; but when British demands come in conflict with the freedom of foreign peoples, liberty then becomes a much less influential sentiment than what on such occasions is sometimes conveniently termed humanity and sometimes civilization.

Let us follow Webster's course upon some of the more important issues of his time, in order to gain a practical insight into his statesmanship. He was a friend of commerce, which, he declared, had paid the price of independence, and he was in favor of encouraging it both with foreign nations and among the states themselves. He was, therefore, strenuously opposed to the embargo which preceded and attended the war with Great Britain. He was

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so hostile to the war itself that he refused to vote supplies to carry it on. Even that much quoted passage, so frequently employed against those who would question proposed aggressions upon other peoples, "Our party divisions, acrimonious as they are, cease at the water's edge," was uttered by him in a speech against a bill to encourage enlistment. He was opposed to the war because he thought it inexpedient and wrong. The question of peace or war he declared was "not to be compressed into the compass that would fit a small litigation." It was a great question of right and expediency. "Considerations which go back to the origin of our institutions and other considerations which look forward to our hopeful progress in future times, all belong, in their just proportions and graduations, to a question in the deter-

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mination of which the happiness of the present and of future generations may be so much concerned. Utterly astonished at the declaration of war, I have been surprised at nothing since. Unless all history deceived me, I saw how it would be prosecuted when I saw how it was begun. There is in the nature of things an unchangeable relation between rash counsels and feeble execution." The struggle itself, whether just or unjust at its inception, became almost a war of self-preservation, and Webster's attitude was an extreme one in refusing to vote the necessary means to carry it on. At a much later period of his life he voted for supplies for the war with Mexico, to which he had also been opposed. But his position was unassailable when during the war with Great Britain he declined to be badgered out of the

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right of public discussion, for he did not escape the fury of the small patriots of his time. "It is," he said, "a home-bred right, a fireside privilege. . . . It is not to be drawn in controversy. . . . Belonging to private life as a right, it belongs to public life as a duty. . . . This high constitutional privilege I shall defend and exercise within this House and without this House, and in all places, in time of peace, in time of war."

His earlier speeches in Congress on the tariff were upon free trade lines and against the exercise of the taxing power of the Constitution for the purpose of protection. During his term of service in the House he voted against tariff bills that were protective in their nature, but after he became a member of the Senate he voted for such bills, and he has often been ac-

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cused of inconsistency on account of these apparently contradictory votes. But his answer was simple and apparently conclusive. He had opposed the policy of artificially calling manufactures into being, but it had been adopted. New England had acquiesced in a system which had been forced upon her against the votes of her representatives. Manufactures had been built up, and he would not vote to strike them down.

During the early years of his service in the House he began his advocacy of a sound money system, and he continued to support it, while the currency was an issue, to the end of his career. The delusive arguments in favor of a money which the art of printing made cheap of production did not impose upon him. No man of his time set forth more clearly the principles of a

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sound system of finance or the disaster which would follow a deviation from it. He had been so conspicuous in the debates upon financial measures that President Harrison requested him to accept the Secretaryship of the Treasury at the time he became Secretary of State.

He was too firm a friend of civil justice not to make an indignant protest against the bill proposing to take the trial of certain cases of treason from the courts and give them to military tribunals.

The Force Bill of 1833, which gave Jackson the authority to cope with the nullification movement in South Carolina, would probably have failed of passage without Webster's support. That measure, however, became of little consequence after the substantial concession to that State made in the

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tariff propositions brought forward by Mr. Clay, who was usually ready to apply temporary devices to any threatening situation. Webster austere-ly declined to surrender to the threats of South Carolina, and voted against the tariff bill.

He jealously upheld the prerogatives of the Senate, and resolutely severed the growing friendship between himself and Jackson, when the latter showed a disposition towards personal government and an autocratic administration of the laws. But first of all he was attached to the principles of popular government, and while a Senator he favored a broad construction of the power which the Constitution gave to the Representatives to originate revenue bills. In a running debate in the Senate he took the position that territories were not a part of the

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United States, within the meaning of the Constitution, and he referred for authority to a class of decisions of the Supreme Court. It so happened that the court had decided but a single case of the class he mentioned, and that he himself had been of counsel. It showed his remarkable memory and command of his resources that thirty years afterwards he was able, apparently upon the spur of the moment, to urge in all its force the argument he had prepared in the law case. The court, however, although it had decided the case in his favor, had not put its decision upon the ground he urged. In the same debate in the Senate he made it clear, whatever he may have meant in claiming that the Constitution did not extend to the territories, that the oath of members of Congress bound them to observe its limitations even when legis-



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lating for the territories, which is an essential point in the great controversy in which he has recently been so often cited as an authority.

So far from admitting that a denial of congressional absolutism in dealing with human rights anywhere would make our government an incomplete or crippled government, he saw in tendencies of an opposite character the danger that our Constitution would be converted "into a deformed monster," into a great "frame of unequal government," and "into a curse rather than a blessing." He also gave weighty expression to the opinion that while arbitrary governments could govern distant possessions by different laws and different systems, we could do no such thing. He protested against the policy of admitting new and small states into the Union, because of its tendency to destroy the

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balance established by the Constitution and convert the Senate into an oligarchy, a policy which has been pursued until at last states having less than a sixth of the population of the country elect a majority of the entire Senate. He took a leading part in the codification of the criminal laws of the nation and in the enlargement of its judicial system. He profoundly deplored the existence of slavery, and many striking utterances against it may be found in his speeches; but he held to the opinion, which indeed appears to have prevailed everywhere at that time, that the national government had no authority under the Constitution to interfere with slavery in the states where it was established. He believed that the non-political offices of the government should not be used as party spoils; and a generation before civil service reform made

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its appearance on this continent, he gave luminous expression to its most essential principles. His public career was singularly free from demagoguery, and his speeches will be explored in vain for catch-penny appeals to the passing popular fancy.

One of the most notable achievements of his career, as well as one of the most definite and honorable triumphs of American diplomacy, is found in the negotiation of the Webster-Ashburton treaty. The dispute over the north-eastern boundary had for years been a source of irritation between this country and Great Britain, and had baffled such earnest attempts at solution that it promised to continue a menace to the peace of the two nations. It had defied the good offices of arbitration. It was complicated with domestic difficulties, and the American negotiations had been

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hampered by the rights of one of the states of the Union. The British government had finally dispatched a large number of soldiers to Canada, and our minister at London expressed the opinion that war appeared inevitable. There were also other annoying sources of dispute aside from that relating to the boundary. Webster triumphantly overcame all obstacles, and he could proudly appeal, as he subsequently did in the Senate, "to the public men of the age whether, in 1842, and in the city of Washington, something was not done for the suppression of crime, for the true exposition of the principles of public law, for the freedom and security of commerce on the ocean, and for the peace of the world."

The qualities which he displayed in these negotiations attracted attention in the British Parliament. Macaulay

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commented on his “ firm, resolute, vigilant, and unyielding ” manner. Diplomatic writing has a peculiar rhetoric, a rhetoric which Webster had the good sense to refuse to adopt in preference to his own. Compared with his condensed and weighty letter upon impressment, for instance, the ordinary fawning or threatening diplomatic performance seems a flimsy structure indeed. The claim, on the part of the British government, of the right to impress British-born sailors from the decks of American ships could not survive the conclusive arguments which he crowded into the brief letter to Ashburton, and which without any pretense led to the conclusion that “ the American government then is prepared to say that the practice of impressing seamen from American vessels cannot be hereafter allowed to take place.”

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And then he ran up the flag, not for rhetorical purposes, but over the solid foundation of reason, from which it can never be hauled down without overturning established principles : “ In every regularly documented American vessel the crew who navigate it will find their protection in the flag that is over them.” No one could mistake the meaning of what was so simply stated after its justice had been so conclusively shown. It is impossible for an American to read the diplomatic correspondence of Webster while Secretary of State and not feel a new pride in his country. The absolute absence of anything petty or meretricious, the simple dignity and the sublime and conscious power, cause one to feel that it ennobled the nation to have such a defender. It may be said, too, that the manner in which he conducted the State Depart-

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ment proved that he possessed the highest qualities of executive statesmanship.

But the overshadowing work of his public life is to be found in the part he performed in maintaining the supremacy of the laws of the national government enacted in conformity with the Constitution. In the great controversy over the relations between the central and state governments, which began soon after the adoption of the Constitution and continued until it was removed from the forum of debate to be settled by the arbitrament of arms, Webster was the colossal figure. From the high ground he took in the Reply to Hayne he never wavered. If he erred at all in his devotion to the national idea, it was in the sacrifices he was willing to make for it. Twenty years after his first great discussion upon the Union, he made a speech on that subject which

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excited fiercer controversy than has ever been kindled by any other utterance of an American statesman. I refer to the speech which, whatever it might be appropriately called from its theme, will probably always retain the name of the Seventh of March Speech. It gave rise to more criticism, to employ no harsher term, than grew out of all the rest of his public career.<sup>4</sup> The alienation which it occasioned from many of his former friends, who were grieved to the heart and regarded him after the seventh of March as a fallen archangel, the relentless abuse it drew forth from others who had never been his friends, embittered the last days of his life. A half century after it was spoken we should be able to hear something of those permanent voices which are drowned in the fleeting tumult of the times, but which speak to after ages.



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I do not agree that that speech must be passed by in silence out of regard for Webster's fame. Twenty years ago the poet Whittier made noble reparation for "Ichabod" in the "Lost Occasion," and even more ample reparation would be his due if in judging him one applied the same tests that are apparently applied to his critics.

When he replied to Hayne, the danger to the Union was chiefly theoretical, except for the attitude of a single State, but on the 7th of March the controversy had become more angry and practical. Only a few weeks before he spoke, an anti-slavery society, most respectable in numbers and the character of its members, had met in his own State, and in Faneuil Hall, and had resolved that they were the enemies of the Constitution and Union and proclaimed their purpose to

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“live and labor for a dissolution of the present Union.” These resolutions were but the echo of what had come from a similar society in the State of Ohio. They emanated not from the home of nullification doctrines, but from that portion of the country where the hopes of the Union lay. There was an equally uncompromising and a more resentful feeling upon the other side of the slavery questions, and a convention had been called at the city of Nashville to give it voice. That convention subsequently put forth an address in favor of disunion. The annexation of Texas, the war with Mexico and the treaty of peace had produced practical and pressing questions, and Webster had come reluctantly to believe that their solution, without detriment to the Union, was most difficult in the inflamed condition of the

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public mind. More than a year after he made the speech he declared that "in a very alarming crisis" he felt it his "duty to come out." "If," he said at that time, "I had seen the stake, if I had heard the fagots already crackling, by the blessing of Almighty God, I would have gone on and discharged the duty which I thought my country called upon me to perform."

That a similar opinion of the importance of the crisis was entertained by those two great men whose names stand perhaps next to his own and forever to be associated with it in our congressional annals, there can be no doubt. There is something pathetic in the spectacle of those three statesmen, then almost at the end of their careers, who had often radically differed with each other upon public

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questions, bending their energies to the support of a common cause and struggling to avert a common danger. Clay put forth a last effort of his statesmanship and brought forward his compromise measure. For the moment he forgot his differences with Webster and earnestly besought the latter for his support. Calhoun, too weak to utter his own words, spoke through the mouth of another, in his last speech in the Senate, his sense of the gravity of the crisis.

— It was said, and has been so often repeated that it is accepted in some quarters as an article of political faith, that Webster made his speech as a bid for the presidency. The imputation of an unworthy motive to a public man is easy to make and difficult to disprove. But on this point it is pertinent to remember that he threw away

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his fairest chance for the presidency by patriotically refusing, at the dictates of his own party in his own State and of its leaders in the country, to retire from Tyler's cabinet until our differences with Great Britain should be composed; that he had many times resigned or refused to accept important public office ; that the great position of Senator from Massachusetts had more than once to be forced upon him, and that, before the 7th of March at least, he had fully lived up to his own impressive declaration that solicitations for high public office were "inconsistent with personal dignity and derogatory to the character of the institutions of the country." Solicitude for the Union was no new thing with him, that an ignoble motive should be ascribed. But it was not the first time, as it doubtless will not be the last,

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when those having in view the accomplishment of some great public object to the exclusion of everything else, have imputed evil motives to those who have not sanctioned their particular course of procedure, especially when they threatened to pull down the pillars of the state itself, if thereby the evil might be destroyed in the common calamity. Reform draws to itself not only the single-minded who have no sordid aims, but it is attractive also to those censorious spirits who delight not so much in battering down the ramparts of wrong as in abusing those hapless individuals who will not agree that evil methods are to be sanctified by noble ends. In the speeches of some of the leaders of the anti-slavery movement, denunciation of slavery had the second place and denunciation of Webster the first; and when the time

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of consummation came, even Lincoln did not escape their acrimony.

The high moral purpose and the indispensable practical value of the abolition movement cannot be questioned. But it also cannot be questioned that a good deal of the agitation was disruptive, and, in the conditions then existing, tended less towards freedom than to disunion and war. They might have broken the "compact with hell," which was the favorite epithet of some of its supporters for the Constitution of their country, but it is not easy to see how this programme could have broken a single chain, with a free and a slave republic side by side and hostile to each other. In the light of to-day it can be clearly seen that to accomplish freedom the concurrence of other forces was demanded. The truth will often ultimately spring from apparently

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contradictory forces. Agitation was necessary to educate and arouse the people, but it needed also to be checked before it should become swollen beyond constitutional limits and form the basis of a revolution; for with any important body of opinion at the North coöperating with disunion at the South, the nation would have been rent asunder.

But look a little more closely at the matter. I presume no one would now criticise the willingness of Webster, as the foremost advocate of constitutional supremacy, to accord to the South whatever it had a right according to the terms of the Constitution to demand. The specific thing in the speech criticised, with the nearest approach to justice, was the position with regard to New Mexico. He declared that natural law had effectively banished



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slavery from that territory, because of its sterile and mountainous character, and that he would not vote uselessly to reenact the will of God and banish slavery by a statute. He therefore accepted that feature of Clay's compromise with the declaration that he would favor the application of the so-called Wilmot proviso to any territory in which there was any danger that slavery might be established. This was certainly a technical if not a practical concession to the Southern demands. For accepting this policy with regard to New Mexico, he was accused by Mr. Seward, who undoubtedly spoke the sentiments of the Free Soil leaders, with having "derided the proviso of freedom, the principle of the ordinance of 1787."

Ten years later, when it did not require a statesman's eye to see the dan-

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ger, nor a statesman's ear to hear the thunders of the approaching storm, Congress consented to apply the very principle which Webster was willing to concede to New Mexico, to the whole of that vast domain out of which the Dakotas and Nevada and Colorado have since been carved; and neither Seward nor Sumner, nor any other leader in Congress of the great new anti-slavery party, was heard to raise his voice or vote against it. Surely, if Webster was a traitor to the cause of freedom, they must keep him company. If he was a traitor, their guilt was not less deep than his, for they were the special guardians of freedom while he was only the champion of the Union; and the scornful repeal by the South of the settlement of 1850 shed a brighter light for them than was given to him, upon the futility of all compromise.

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The truth is, none of them was a traitor. They were true-hearted, patriotic men, solicitous for the preservation of the Republic which they loved. But when the most responsible of Webster's accusers saw the danger, as he saw it, they were willing to make concessions to slavery far more hateful than any of which he had ever dreamed.

What I have just said bears chiefly upon his motive. It is of far less consequence whether, using his judgment unselfishly and honestly, he made a mistake. But upon this point we may learn something from the event. In the great conflict of arms in which the debate finally culminated, it was the sentiment of Union that banded those invincible armies together, and it was through the triumph of that sentiment that we enjoy the blessings of a restored government and that the

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slave secured his freedom. And had that great statesman on the 7th of March shown any less anxiety for the Union, had that great centripetal force become centrifugal or weakened in the attraction which it exerted to hold the states in their orbits, who shall say that our magnificent and now united domain might not be covered by two hostile flags, one of which would float over a republic founded upon slavery !

And then there is that ill-omened thing which, wherever else it may be found, is sure to attend greatness. The baleful goddess of Detraction sits ever at the elbow of Fame unsweetening what is written upon the record. Whether it springs from the envy of rivals or from the tendency in human nature to identify the material of greatness with common clay, it is true, as Burke says, that obloquy is an essential

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ingredient in the composition of all true glory. This proof of greatness, such as it is, exists in ample measure in the history of Webster. No man since Washington has had more of it. The pity of it all is that when an unsupported charge is disproved, people will shake their heads and say it is very unfortunate that it should have been necessary to establish innocence, as if reproof belonged rather to the innocent victim than to the author of the calumny.

I have alluded to the Seventh of March Speech, which has been accounted one of his crimes. One other matter I shall notice, because it bears upon a point which has often been conceded to be the weak place in his character. It so happens that in this case a slander was tested and the evidence upon it carefully marshaled before a

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congressional investigating committee. He was charged in Congress with a misuse of the Secret Service Fund while Secretary of State. A resolution of inquiry upon the subject was presented in the Senate while he was a member of that body. He opposed it. Rather a singular course, it might be said, for an innocent man to take. It would ordinarily be regarded as an evidence of guilt. It might also show an extraordinary degree of public virtue and indicate one of the rare men to whom the interests of their country were dearer than their own, even than their own reputations. What it implied in this instance may be inferred from the event.

A law had been framed evidently on the theory that in conducting the government it would sometimes be necessary to employ secret agents for confi-

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dential purposes, and a fund was created to be expended upon the sole responsibility of the President. A publication of the special disbursements would violate the spirit of the law, and, to say nothing of the bad faith with reference to the past, might cripple the government in its future operations. Webster declared in the Senate that every dollar had been spent for a proper public purpose, but that he could not wish to see an important principle and law violated for any personal convenience to himself. — The Senate refused to make the inquiry. The author of the charges, writhing under the lashing which Webster had administered to him in a speech in the Senate, again pressed them in the House, and a committee of investigation was appointed. That committee was politically hostile to Webster and was created with a view to his impeachment, if the

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charges were sustained. It made a thorough investigation, and it appeared, as the outcome of it all, that Webster had not indeed displayed the highest skill as an accountant, but it appeared also that he himself had advanced the amount of certain lost vouchers out of his own pocket. The report concluded that there was no proof "to impeach - Mr. Webster's integrity or the purity of his motives in the discharge of the duties of his office." And that report, exonerating the defender of the Union, will not lose weight from the fact that it bears the name of Jefferson Davis.

It is true that his friends contributed considerable sums of money to his support, and he was severely criticised for accepting such assistance. Burke received from his friends during his life gifts, or loans that were never repaid, to an enormous amount for those days.



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Fox's friends gave him an annuity of fifteen thousand dollars. I do not know that it has occurred to any one to accuse either of them of impropriety. Can it be doubted that Webster's friends were as much attached to him, or that they gave from pure personal loyalty mingled with a patriotic desire to maintain in the service of their country talents as splendid as ever Fox or Burke possessed, and that were even more successfully employed? It is to be regretted from the abuse to which his example may give rise that he found it necessary to receive this aid. The danger is that a far lesser man than Webster in a high public place might receive a more calculating homage. However, each case must be judged on its own merits. It is very true that he was not a bookkeeper. But if accounts had been carefully kept,

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it may be doubted whether even from the money standpoint he did not give more than he received. Instead of neglecting his profession and eking out his expenses by the aid of friends, he might have remained out of the public service and enjoyed the most lucrative practice at the American bar. His father and his brother made great sacrifices to educate him, but it must also not be forgotten that he taught school, and at the same time copied two large volumes of deeds at night and generously gave the proceeds of it all to his brother ; and that he assumed and paid his father's debts. He certainly was not a man "who much receives but nothing gives." He had a regal nature and men would give him their all because he was as free and generous as he was receptive.

There is a strong light thrown upon this trait of his character by an inci-

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dent which among great speeches and public policies may seem an unimportant incident, and yet, as showing the real character of the man, is a great one. A young man who had been employed by him in connection with his farms in the West came to Washington, where he fell ill. Webster was at that time nearly sixty years old, at the summit of his fame and engrossed in his public duties. But he saw this farmer's boy sick in the city among strangers. He took care of him with his own hands. For a week he was with him almost constantly day and night.

Critics have applied to this generous nature the little standards for little men. They have told us that he ought not to have been extravagant; that he did not closely calculate his expenses; that he did not carefully keep his ac-

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counts; and as they would arraign a petty criminal before a police court, they have harried this transcendent figure at history's bar. They demanded too much of Nature. If she had tried to do more for him upon whom she had lavished so many gifts, she might indeed have made him a great clerk or bookkeeper, but she might also have spoiled him as a statesman. Careless he may have been, but anything like conscious corruption was utterly alien to his nature.

And now, having spoken to you, I fear much too long, of those things in his career which I thought best suited for bringing out my idea of him, let us look back at him for a moment before we leave him. We have seen him the greatest lawyer of his time and one of the greatest orators of all times. We have seen him, too, the resolute and

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masterful statesman, not swayed by trifles, but aiming to govern according to far-sighted policies a nation dominated by immortal principles and of chief consequence to itself or mankind only as it faithfully adhered to them; a statesman who shed a white light far across the future pathway of his own country, and who illuminated, also, the courses of self-governing nations, wherever they might exist. He never outgrew the simple loves of his youth.

At Marshfield it was his habit to rise before daybreak to watch the coming of the dawn. It was said that his cattle knew him, and, even more than his open hospitality, his herds of fine oxen kept him poor. It was one of his pleasures to feed them with ears of corn out of his own hand, and only a few days before he died he had some of the noblest of them brought before

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his window that he might get comfort from looking out upon their broad brows and their great mild eyes. The passion for fishing never left him. He delighted to wade in some brook for trout, but of all things he loved to go out in a little skiff upon the sea. "Marshfield and the sea, the sea," he would cry when the burdens of political life grew heavy upon him. The farmers about his home loved him, and it so happened that they gathered together from miles around and went out in a great procession to meet him when he returned to Marshfield the last summer of his life. Those who knew him best, his family and his near friends, were devoted to him. What he was as a statesman and an orator, he was as a man.

To the College which, now well into the second century of her life, still has

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upon her the freshness of the morning, those early years of struggle, no less narrow and straitened for her than for him, take on an air of romance. No other part of his career seems to me so much to be revered as when that matchless youth in all the innocence and perfection of nature, with those infinite possibilities in his soul, received here the first of the lessons which taught him how to use his superb gifts for the benefit of mankind. The campus hedged with elms, yonder venerable hall, these encircling hills, whether clad with the green of springtime or, as now, flaming with the gold of autumn, became a part of his life and all speak to us of him. Men die, but the College is immortal. A hundred classes have followed him and hundreds more I doubt not will yet prolong the line. Her sons will con-

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tinue to bear their part where the intellectual strife is the fiercest and where shape is given to the destinies of their times. But whatever the future may bring to the College, however she may hereafter "teem with new prodigies," she will always proudly cherish and, as the succeeding centuries roll around, will reverently commemorate, the fame of Daniel Webster. Massive even upon the heroic stage of history, easily seen across its vast distances, and untroubled by its cold and searching light, it would be difficult, among all its towering forms of statesmen, to find a more vital or a more majestic figure.





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